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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,531	03/06/2001	Mary J. Hornberger	10002552-1	4150

7590 05/21/2004

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EXAMINER

KIM, PAUL L

ART UNIT PAPER NUMBER

2857

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,531

Applicant(s)

HORNBERGER ET AL.

Examiner

Paul L Kim

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☒ Claim(s) 13-15 and 18-22 is/are rejected.
- 7) ☒ Claim(s) 16 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable by Starosovic in view of Silva et al.

Starosovic teaches a system for testing a product comprising: a processing system for receiving inputs and presenting the input to the product under test as if the input came from an input device connected directly to the product under test (fig. 3, part 30) and a controller that initiates hardware test commands directly to the product under test (fig. 3, part 117). Starosovic does not specify the testing apparatus being accessed and controlled over a network. Silva et al. teaches a distributed testing system in which plurality of client testing machines communicate test result information to a host computer on a network (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention, to modify Starosovic, so that testing is done from a network accessible site, as taught by Silva et al., so as to derive the benefit of convenience from being able to test a plurality of products from a single location.

3. Claims 18, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttle et al. in view of Barar.

Tuttle et al. teaches a system and method for remote testing of computers comprising: a network accessible site for providing input for a product under test by a network (fig. 1), a means of forwarding the input for the product under test to a processing system and presenting the input to the product under test (fig. 1, part 124), and a means for obtaining display information from the product under test (col. 3, lines 41-56). Tuttle et al. teaches the test controller acquiring visual display signals from the product under test, but does not teach using a camera to obtain display information from the product. Berar teaches a semiconductor testing apparatus that uses a camera to acquire images of a product under test and transfers this data to a network accessible site (col. 1, line 63 to col. 2, line 14). Because Tuttle et al. and Berar are both within the art of product testing over a network, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Tuttle et al. so that a camera is used to obtain display information of a product, as taught by Berar, in order to inform users or customers the current situation of the products under test cost effectively.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttle et al. in view of Cromer et al.

Tuttle et al. teaches a database for storing information but does not teach a database that stores images of hard disk configuration. Cromer et al. teaches that a main computer storing hard drive configuration images for client systems are well known in the art (col. 7, lines 24+). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Tuttle et al. so that hard drive

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configurations are stored on a main computer, as taught by Cromer et al., so as to be able to test different software setups for a variety of computers.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttle et al. in view of Weiss et al.

Tuttle et al. teaches a system for remote testing of computers comprising: a network accessible site for providing input for a product under test by a network (fig. 1) and a processing system for receiving inputs and presenting the input to the product under test (fig. 1, part 124). Tuttle et al, however, does not specify a switch located external to the processing system. Weiss et al teaches a method of allowing a user to disconnect a network by using a switch (fig. 3). Since Tuttle et al and Weiss et al are both within the art of operating a network and since disconnecting a network accessible site is well known in the art, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Tuttle et al, so that a switch located external to the processing system is used, as taught by Weiss et al, so as to derive the benefit of improved system versatility.

Allowable Subject Matter

6. Claims 1-12 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record teaches a method of performing a hardware test on a product remotely but does not teach performing a hardware test by directly introducing hardware *commands to the product* that are not covered in software control.

7. Claims 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments with regards to claims 18-21 have been fully considered but they are not persuasive. With regard to arguments on pages 16-20, claims in a pending application should be given their broadest reasonable interpretation (In re Pearson, 181 USPQ 641 (CCPA 1974)). While Berar does not explicitly record images of a display, cameras in general can be used to record images in a wide variety of applications. Applicant's attention should be drawn to col. 4, lines 58-62. Berar states that the invention is not restricted to the particular embodiments and that variations can be made. The web-camera limitations of claims 18 and 19 is clearly an "Intended Use" limitation. "Intended Use" limitations are not given patentable weight.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

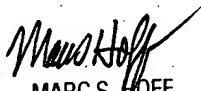
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is 571-272-2217.

The examiner can normally be reached on Monday-Thursday 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

PK
May 16, 2004


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800